ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 18, 2005

Ms. Jennifer S. Riggs
Riggs & Aleshire
700 Lavaca, Suite 920
Austin, Texas 78701

OR2005-01526

Dear Ms. Riggs:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 219005.

The Carroll Independent School District (the "district"), which you represent, received eleven requests for 68 categories of information. You state that the district does not have information responsive to some of the items requested.[1] You further state that the district has released most of the requested information, but claim that some of the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.103, 552.107, 552.111, 552.116 and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.[2]

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[1] The Act does not require a governmental body to disclose information that did not exist at the time the request was received, nor does it require a governmental body to prepare new information in response to a request. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Attorney General Opinion H-90 (1973); Open Records Decision Nos. 452 at 2-3 (1986), 342 at 3 (1982), 87 (1975); *see also* Open Records Decision Nos. 572 at 1 (1990), 555 at 1-2 (1990), 416 at 5 (1984).

[2] We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Initially, we note that the district did not submit any information responsive to the request for "any and all documents produced for inspection or copied in response to [a request made by Sherrie Williams to inspect and/or for copies of documents]." You state that you will release some of this information to the requestors, but claim that information identifying the source of opinions and recommendations in otherwise public surveys of public employees and administrators, as well as audit working papers, are excepted under sections 552.111 and 552.116, respectively. You do not assert, nor has a review of our records indicated, that the district has been granted a previous determination to withhold any such information without seeking a ruling from this office. *See* Gov't Code § 552.301(a); *see also* Open Records Decision No. 673 (2001) (delineating elements of attorney general decisions that constitute previous determinations for purposes of section 552.301(a)). Therefore, the district was required to submit a copy or representative sample of this information to this office for review. *See* Gov't Code § 552.301(e)(1)(D). Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the information is public and must be released. Sections 552.111 and 552.116 are discretionary under the Act and are thus waived by a governmental body's failure to comply with section 552.301. *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally); 663 (1999) (governmental body may waive section 552.111). Therefore, no portion of the information responsive to this requested item may be withheld under section 552.111 or section 552.116. As you raise no other exceptions for this information, it must be released to the requestors.

We next note that a portion of the submitted information is subject to section 552.022 of the Government Code, which provides that

> the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:
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> . . .
>
> (16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege[.]

Gov't Code § 552.022(a)(16). Thus, information contained in a governmental body's attorney fee bills must be released under section 552.022(a)(16), unless the information is expressly confidential under other law. The district claims sections 552.103 and 552.107 for the fee bills. We note that these are discretionary exceptions to public disclosure that protect the governmental body's interests and may be waived.[3] As such, sections 552.103 and

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[3] *See* Open Records Decision Nos. 676 at 10-11 (2002) (attorney-client privilege under Gov't Code § 552.107(1) may be waived), 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 (1999) (governmental body may waive Gov't Code § 552.103).

552.107 are not other law that make information confidential. Therefore, the district may not withhold any portion of the fee bills under section 552.103 or 552.107 of the Government Code. The district also asserts that the fee bills contain information that is protected by the attorney-client privilege and the attorney work product privilege. The Texas Supreme Court has held that the Texas Rules of Evidence are "other law" within the meaning of section 552.022 of the Government Code. *See In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001). The attorney-client privilege is found at Texas Rule of Evidence 503, and the attorney work product privilege is found at Texas Rule of Civil Procedure 192.5. Therefore, we will consider whether the district may withhold any portion of the fee bills under rule 503 and rule 192.5.

Texas Rule of Evidence 503 enacts the attorney-client privilege. Rule 503(b)(1) provides as follows:

> A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:
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> > (A) between the client or a representative of the client and the client's lawyer or a representative of the lawyer;
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> > (B) between the lawyer and the lawyer's representative;
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> > (C) by the client or a representative of the client, or the client's lawyer or a representative of the lawyer, to a lawyer or a representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein;
> >
> > (D) between representatives of the client or between the client and a representative of the client; or
> >
> > (E) among lawyers and their representatives representing the same client.

TEX. R. EVID. 503(b)(1). A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication. *Id.* 503(a)(5).

Thus, in order to withhold attorney-client privileged information from disclosure under rule 503, a governmental body must: (1) show that the document is a communication transmitted between privileged parties or reveals a confidential communication; (2) identify the parties involved in the communication; and (3) show that the communication is

confidential by explaining that it was not intended to be disclosed to third persons and that it was made in furtherance of the rendition of professional legal services to the client. Upon a demonstration of all three factors, the information is privileged and confidential under rule 503, provided the client has not waived the privilege or the document does not fall within the purview of the exceptions to the privilege enumerated in rule 503(d). *Pittsburgh Corning Corp. v. Caldwell*, 861 S.W.2d 423, 427 (Tex. App.—Houston [14th Dist.] 1993, no writ).

You claim that the marked portions of the attorney fee bills are protected by the attorney-client privilege. You state that these communications occurred in the course of the rendition of professional legal services and were intended to be confidential. You indicate that the district has maintained the confidentiality of the communications. Upon review, we agree that some of the entries in the submitted fee bills constitute information coming within the attorney-client privilege and may be withheld under Texas Rule of Evidence 503. We have marked this information accordingly. However, portions of the information you have marked do not constitute communications. Furthermore, you have not identified certain individuals named in the fee bills who were involved in communications that you claim are privileged. Therefore, we are unable to conclude that communications involving those individuals come within the scope of rule 503(b)(1). Accordingly, the remaining information in the fee bills that you have marked as information coming within the attorney-client privilege may not be withheld under Texas Rule of Evidence 503.

For the purpose of section 552.022, information is confidential under Texas Rule of Civil Procedure 192.5 only to the extent the information implicates the core work product aspect of the work product privilege. Open Records Decision No. 677 at 9-10 (2002). Core work product is defined as the work product of an attorney or an attorney's representative developed in anticipation of litigation or for trial that contains the attorney's or the attorney's representative's mental impressions, opinions, conclusions, or legal theories. Tex. R. Civ. P. 192.5(a), (b)(1). Accordingly, in order to withhold attorney core work product from disclosure under rule 192.5, a governmental body must demonstrate that the material was 1) created for trial or in anticipation of litigation and 2) consists of an attorney's or the attorney's representative's mental impressions, opinions, conclusions, or legal theories. *Id.* The first prong of the work product test, which requires a governmental body to show that the information at issue was created in anticipation of litigation, has two parts. A governmental body must demonstrate that 1) a reasonable person would have concluded from the totality of the circumstances surrounding the investigation that there was a substantial chance that litigation would ensue, and 2) the party resisting discovery believed in good faith that there was a substantial chance that litigation would ensue and conducted the investigation for the purpose of preparing for such litigation. *See Nat'l Tank v. Brotherton*, 851 S.W.2d 193, 207 (Tex. 1993). A "substantial chance" of litigation does not mean a statistical probability, but rather "that litigation is more than merely an abstract possibility or unwarranted fear." *Id.* at 204. The second prong of the work product test requires the governmental body to show that the documents at issue contains the attorney's or the

attorney's representative's mental impressions, opinions, conclusions, or legal theories. Tex. R. Civ. P. 192.5(b)(1). A document containing core work product information that meets both prongs of the work product test is confidential under rule 192.5 provided the information does not fall within the purview of the exceptions to the privilege enumerated in rule 192.5(c). *Pittsburgh Corning Corp. v. Caldwell*, 861 S.W.2d 423, 427 (Tex. App.—Houston [14th Dist.] 1993, no writ).

You state that these documents contain information relating to legal services that were provided to the district in connection with pending litigation. You assert that this information reflects the mental impressions, conclusions, or legal theories of the district's attorneys. You also inform us that this information has only been revealed to attorneys for and representatives of the district. Based on your representations and our review of the information that you claim is attorney work product, we conclude that the district may withhold only the information we have marked within the fee bills as privileged core work product under Texas Rule of Civil Procedure 192.5. The remaining information in the fee bills is not protected under rule 192.5 and must be released.

We next address your claimed exceptions for the remaining submitted information that is not subject to section 552.022. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. You inform us that the request includes information arising from closed sessions of the district board of trustees. The Texas Open Meetings Act ("TOMA"), which establishes the general rule that every meeting of every governmental body shall be open to the public, permits closed meetings for certain purposes. A governmental body that conducts a closed meeting must either keep a certified agenda or make a tape recording of the proceeding, except for private attorney consultations. Gov't Code §551.103. The agenda or tape is kept as potential evidence in litigation involving an alleged violation of the TOMA. *See* Attorney General Opinion JM-840 (1988). Section 551.104(c) of the Government Code provides that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)." Section 551.146 penalizes the unlawful disclosure of a certified agenda or tape recording of a lawfully closed meeting as a Class B misdemeanor, and makes the person responsible for disclosure liable for damages to a person injured or damaged by the disclosure. Thus, such information cannot be released to a member of the public in response to an open records request. *See* Open Records Decision No. 495 (1988). In addition, minutes of a closed meeting are confidential. *See* Open Records Decision No. 60 (1974) (closed meeting minutes are confidential under predecessor to section 551.104); *see also* Open Records Decision Nos. 563 (1990) (minutes of properly held executive session are confidential under TOMA); Open Records Decision No. 495 (1988) (information protected under predecessor to section 551.104 cannot be released to member of public in response to open records request). Based on your representations, we find that the minutes of closed sessions of the

district board of trustees are confidential under section 551.104(c) and must be withheld from disclosure under section 552.101 of the Government Code.

You also claim that section 552.101 excepts some of the remaining submitted information in conjunction with section 21.355 of the Education Code, which provides that "[a] document evaluating the performance of a teacher or administrator is confidential." *See generally* Open Records Decision No. 643 (1996). This office interpreted this section to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. Open Records Decision No. 643 (1996). In that opinion, this office also concluded that a teacher is someone who is required to hold and does hold a certificate or permit required under chapter 21 of the Education Code and is teaching at the time of his or her evaluation. *Id.* Similarly, an administrator is someone who is required to hold and does hold a certificate required under chapter 21 of the Education Code and is administering at the time of his or her evaluation. *Id.*

In this instance, you do not inform us as to whether the employees who are the subjects of these evaluations held a teacher's certificate or permit or an administrator's certificate under subchapter B of chapter 21 of the Education Code and were performing the functions of a teacher or administrator at the time of the submitted evaluations. Therefore, we are unable to conclude that section 21.355 is applicable. To the extent, however, that the employees who are the subject of the evaluations held a teacher's certificate or permit or an administrator's certificate and were performing the functions of a teacher or administrator at the time of their evaluations, the district must withhold the information we have marked as confidential under section 552.101 in conjunction with section 21.355 of the Education Code. *See* Open Records Decision No. 643 at 4. Alternatively, if the employees in question were not properly certified, or were not performing the functions of a teacher or administrator at the time of the evaluation, the evaluations are not confidential under section 21.355 and may not be withheld under section 552.101.[4]

You also claim that some of the remaining submitted information is excepted from disclosure under section 552.103, providing in part:

> (a) Information is excepted from [required public disclosure] if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party.
>
> . . .

[4] Our analysis under section 21.355 only applies to evaluations of the type submitted for our review.

> (c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Gov't Code § 552.103(a), (c). A governmental body has the burden of providing relevant facts and documents sufficient to establish the applicability of section 552.103 to the information that it seeks to withhold. To meet this burden, the governmental body must demonstrate: (1) that litigation was pending or reasonably anticipated on the date of its receipt of the request for information *and* (2) that the information at issue is related to that litigation. *See Univ. of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.—Austin 1997, no pet.); *Heard v. Houston Post Co.*, 684 S.W.2d 210 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); *see also* Open Records Decision No. 551 at 4 (1990). Both elements of the test must be met in order for information to be excepted from disclosure under section 552.103. *Id.*

You state, and provide documentation showing, that the district and several of its employees are named defendants in litigation instituted by the requestor's client. Upon review, we agree that the district was a party to pending litigation on the date the district received the request for information. We also find that the representative sample of information for which you claim section 552.103 relates to the pending litigation and therefore generally may be withheld on that basis.[5]

However, once information has been obtained by all parties to the litigation through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Thus, information that has either been obtained from or provided to the opposing party in the pending litigation is not excepted from disclosure under section 552.103(a), and it must be disclosed. Further, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

You claim that some of the remaining submitted information is excepted under section 552.107, which protects information coming within the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. Open Records Decision No. 676 at 6-7 (2002). First, a governmental

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[5] You ask whether the district may decline to produce, in response to a public information request, documents already provided to the same requestor in civil litigation discovery. We note that discovery procedures and requests made under the Act are two disparate processes, such that prior production of information in response to a request for discovery does not preclude the need of a governmental body to respond to a subsequent request for the same information made by the same individual under the Act.

body must demonstrate that the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made "for the purpose of facilitating the rendition of professional legal services" to the client governmental body. TEX. R. EVID. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body. *In re Texas Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in a capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. TEX. R. EVID. 503(b)(1)(A), (B), (C), (D), (E). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies only to a *confidential* communication, *id.* 503(b)(1), meaning it was "not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication." *Id.* 503(a)(5).

Whether a communication meets this definition depends on the *intent* of the parties involved at the time the information was communicated. *Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.—Waco 1997, no writ). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain that the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

You inform us that some of the information you have marked reveals the substance of communications between attorneys for and representatives of the district. You state that these communications occurred in the course of the rendition of professional legal services and were intended to be confidential. Therefore, we conclude that you may withhold the majority of this information as privileged under section 552.107. However, a portion of the information you have marked is a communication to an individual who you have not identified as a client, client representative, lawyer, or lawyer representative. Accordingly, the district may not withhold this information under section 552.107.

You also claim section 552.111 as an exception to disclosure for some of the remaining submitted information. Section 552.111 excepts from disclosure "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department*

of Public Safety v. Gilbreath, 842 S.W.2d 408 (Tex. App.—Austin 1992, no writ), and held that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the deliberative or policymaking processes of the governmental body. Open Records Decision No. 615 at 5-6 (1993). An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 at 5-6 (1993). Additionally, section 552.111 does not generally except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *See Arlington Indep. Sch. Dist. v. Texas Atty. Gen.*, 37 S.W.3d 152, 160 (Tex. App.—Austin 2001, no writ); Open Records Decision No. 615 at 4-5.

You state that the information you seek to withhold under section 552.111 consists of internal communications pertaining to policymaking matters of the district. Upon review, we agree that most of the information you seek to withhold under section 552.111 contains advice, recommendations and opinions reflecting the policymaking processes of the district. Accordingly, we have marked the information that is excepted from disclosure under section 552.111 and may be withheld on that basis.

We next address your claim that some of the remaining submitted information may be excepted from disclosure under section 552.117 of the Government Code. Section 552.117(a)(1) excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024. Whether a particular piece of information is protected by section 552.117 must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). The district may only withhold information under section 552.117(a)(1) on behalf of current or former employees who made a request for confidentiality under section 552.024 prior to the date on which the request for this information was made. Therefore, if the employee to whom the submitted social security number pertains made a timely election under section 552.024, the district must withhold the social security number we have marked under section 552.117.

Even if the employee in question did not timely elect to keep her information confidential under section 552.117, her social security number may also be excepted from disclosure under section 552.101 in conjunction with the 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(viii)(I). *See* Open Records Decision No. 622 (1994). These amendments make confidential social security numbers and related records that are obtained and maintained by a state agency or political subdivision of the state pursuant to any provision of law enacted on or after October 1, 1990. *See id.* We have no basis for concluding that the social security number in the file is confidential under section 405(c)(2)(C)(viii)(I), and therefore excepted from public disclosure under section 552.101 on the basis of that federal provision. We caution, however, that section 552.352 of the

Public Information Act imposes criminal penalties for the release of confidential information. Prior to releasing any social security number information, you should ensure that no such information was obtained or is maintained by the district pursuant to any provision of law, enacted on or after October 1, 1990.

Lastly, you claim that some of the e-mail addresses in the remaining submitted information are excepted from disclosure pursuant to section 552.137, providing in part:

> (a) Except as otherwise provided by this section, an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under this chapter.
>
> (b) Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release.

Gov't Code § 552.137(a), (b). Section 552.137 excepts certain e-mail addresses of members of the public who have not affirmatively consented to the release of the e-mail addresses. However, section 552.137 does not apply to e-mail addresses contained in a response to a request for bids or proposals, or provided to a governmental body in the course of negotiating the terms of a contract or potential contract. Gov't Code § 552.137(c). Furthermore, this exception does not apply to an e-mail address that a governmental entity maintains for one of its officials or employees. Although you claim that one of the submitted e-mail addresses is subject to release under section 552.137(c), we find that section 552.137(c) is not applicable to any of the submitted e-mail addresses. Thus, unless the relevant individuals have affirmatively consented to the release of the e-mail addresses we have marked, the district must withhold these e-mail addresses under section 552.137(a).

In summary, the district must release any information produced for inspection or copied in response to a request made by Sherrie Williams prior to the date of the district's receipt of this request. The district may withhold the information we have marked in the submitted fee bills under Texas Rule of Evidence 503 and Texas Rule of Civil Procedure 192.5. The requested minutes of closed sessions of the district board of trustees must be withheld as confidential pursuant to section 552.101 in conjunction with section 551.104(c). To the extent that the subjects of the evaluations held a teacher's certificate or permit or an administrator's certificate and were performing the functions of a teacher or administrator at the time of the evaluations, the district must withhold the evaluations under section 552.101 in conjunction with section 21.355 of the Education Code. The district may withhold the information we have marked under sections 552.103, 552.107 and 552.111. The district must withhold the social security number we have marked under section 552.117 if the employee to whom this information pertains made a timely election under section 552.024. Even if the employee did not make a timely election, her social security number

may be excepted under section 552.101 in conjunction with federal law. Unless consent to release has been granted, the district must withhold the e-mail addresses we have marked under section 552.137. The district must release all remaining information.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

Marc A. Barenblat
Assistant Attorney General
Open Records Division

MAB/sdk

Ref: ID# 219005

Enc. Submitted documents

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